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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,988	02/12/2002	Chris E. Rowen	LEGAP002	3521
57255 7590 03/29/2010 VAN PELT, YI & JAMES LLP AND EMC CORPORATION 10050 N. FOOTHILL BLVD. SUITE 200 CUPERTINO, CA 95014				
EXAMINER				
CHANKONG, DOHIM				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/072,988

Applicant(s)

ROWEN, CHRIS E.

Examiner

DOHM CHANKONG

Art Unit

2452

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 7, 15, 18-20, 37 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7, 15, 18-20, 37, and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This final rejection is in response to Applicant's amendment and arguments which was filed on 12/28/2009. Claims 1, 15, and 37 are amended. Claims 2, 5, 6, 8-14, 16, 17, 21-36, 38, and 42-44 were previously cancelled. Accordingly, claims 1, 3, 4, 7, 15, 18-20, 37, and 39-41 are presented for further examination.

I. RESPONSE TO ARGUMENTS

- A. **The 35 U.S.C. § 103(a) rejection of claims 1, 15, and 37 are maintained because the combination of *Hughes* and *Cloutier* teach the feature of concatenating a message sender and message sender submission time and applying a hash to the resulting string.**

Applicant argues that *Cloutier* does not teach concatenating a message sender and a message sender submission time and applying a hash algorithm to the resulting string. Applicant further argues that *Cloutier* instead teaches hashing the from field and concatenating the result with the date field. However, Applicant's argument is incorrect.

Cloutier discloses a "chksum" function that is used to generate a code signature from the date (message submission time) and from (sender) fields of a message [column 6 «lines 11-15»]. Within the chksum function, the date field information is placed into the "uid" variable as seen in the instruction at column 6, lines 25-28.

The function proceeds to the next step and places the from field information into the "crunch" variable as seen in the instruction at column 6, lines 29-30. The two variables "uid" and "crunch" are then concatenated together with the instruction "uid+=crunch<<26". The instruction "+=" is the concatenating command.

The hashing function is then applied to the variable that contains the concatenated information from the date and from fields. Based on the foregoing, Applicant's argument is not persuasive. *Cloutier* teaches the feature as claimed. Therefore, the rejections as set forth in the previous action are maintained.

II. CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 1, 3, 7, 15, 18, 20, 37, 39 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Hughes*, U.S. Patent No. 6,122,372, in view of *Yeager*, U.S. Patent No. 6,167,402, in further view of *Cloutier et al*, U.S. Patent No. 6,535,586 [*"Cloutier"*].

Applicant should note that all citations are to *Hughes* unless otherwise noted.

Claims 1, 15, 37, and 41

As to claim 1, *Hughes* discloses a method for identifying a unique electronic mail message in a plurality of electronic mail messages extracted from an electronic mail messaging system, the method comprising:

retrieving from a mailbox on the electronic mail messaging system a copy of a message [*Yeager*, column 2 «lines 49-62» : teaching the well known feature of retrieving messages from a

user's inbox], the message including a plurality of message properties [Fig. 2 | column 8 «lines 43-45»]

computing a message tag from a subset of the plurality of message properties, at least in part by concatenating a message sender and a message sender submission time [See response to arguments section above | column 10 «lines 30-35» | column 11 «lines 16-20» | Figure 2 where : *Hughes* hashes a “message set” where the message set includes the “current time” and sender ID. *Hughes* describes the “current time” as “the time that the message was sent by the sender & *Cloutier*, column 6 «lines 11-28»] and applying a hash algorithm to the resulting string [column 10 «lines 30-35» | column 11 «lines 16-20»];

reviewing a list of message tags stored in a single shared index file associated with multiple electronic mail recipients wherein the message tags are stored in the single shared index file are computed from respective messages [column 3 «lines 23-30» | column 19 «lines 17-27»: *Hughes* implies an index file through his teaching of searching for a match in the database], properties of messages retrieved from a plurality of mailboxes associated with multiple electronic mail recipients [*Yeager*, column 2 «lines 49-62» | column 7 «lines 7-11»];

determining based upon whether the message tag is found in the single shared index file whether the message is not a duplicate message already stored in a message archive [column 19 «lines 17-27»];

storing the message tag in the single shared index file and storing the message in the message archive if it is determined the message is not a duplicate message [column 19 «lines 37-47»]; and

wherein a copy of the message, if stored in the message archive, is archived for a mandated period of time [column 10 «lines 30-33 and 47-52»: in one embodiment, *Hughes*’ “expiration time” refers to “how long messages must be stored” | column 24 «lines 32-47» : “maximum holding time”].

As indicated by the foregoing mapping, *Hughes* does not expressly disclose (1) retrieving from a mailbox on the electronic mail messaging system a copy of the message; (2) that the messages are retrieved from a plurality of mailboxes associated with multiple electronic mail recipients; and (3) concatenating the message sender and a message submission time. However, these features were well known in the art at the time of Applicant’s invention as evidenced by *Yeager* and *Cloutier*.

Yeager teaches the first two features in an invention directed towards a message store that contains an index file [abstract]. Like *Hughes*, *Yeager* discloses hashing email messages in order to prevent storing duplicate copies within a message store [column 10 «lines 5-7»]. Unlike *Hughes*, *Yeager* discloses (1) retrieving from a mailbox on the electronic mail messaging system a copy of the message [column 2 «lines 49-62» : teaching the well known feature of retrieving messages from a user’s inbox] and (2) that the messages are retrieved from a plurality of mailboxes associated with multiple electronic mail recipients [column 2 «lines 49-62» | column 7 «lines 7-11»].

Despite not expressly teaching a plurality of mailboxes, this feature is implied by the fact that there are multiple mail recipients. It would have been obvious to one ordinary skill in the art to have reasonably inferred the presence of multiple inboxes (and therefore retrieval from them) when there are multiple recipients. It would have been further obvious to one of ordinary skill in

the art to have modified *Hughes* invention with *Yeager's* teachings retrieving and storing email messages. Given *Hughes* teaching that his invention is compatible with emails [column 8 «lines 43-44»], one would have been motivated to adapt *Hughes* message store to be compatible with email systems to increase the store's functionality and usefulness.

As to the third feature, while *Hughes* discloses computing a message tag by using a message sender and message submission time, *Hughes* does not expressly disclose concatenating these two properties. *Cloutier* teaches this feature in an invention directed towards generating unique codes for email messages [abstract]. Specifically, *Cloutier* discloses concatenating message properties to generate a message tag [column 6 «lines 5-35» : *Cloutier* discloses computing a checksum by appending the data from the Date and From header fields of the message].

It would have been obvious to one of ordinary skill in the art to have modified *Hughes* to include *Cloutier's* teachings of calculating a checksum from concatenating message properties. One would have been motivated to adapt *Hughes* in such a manner because *Cloutier* teaches that such a feature insures the generation of a unique code signature for each message thereby increasing the reliability of *Hughes'* invention.

As to claims 15, 37, and 41, they are rejected for at least the same reasons set forth for claim 1.

Claims 3, 18, and 39

As to claim 3, *Hughes* as modified by *Yeager* and *Cloutier* discloses applying a hash algorithm to the message tag forms a uniform string wherein the uniform string, wherein the uniform string has a predetermined length [column 10 «lines 30-35» | column 11 «lines 16-20» |

Figure 2 & *Cloutier*, column 6 «lines 5-35»]. As to claims 18 and 39, they are rejected for at least the same reasons set forth for claim 3.

Claims 7 and 20

As to claim 7, *Hughes* as modified by *Yeager* and *Cloutier* discloses the index file is stored in a relationship database system [column 3 «lines 23-30» | column 19 «lines 17-27»]. As to claim 20, it is rejected for at least the same reasons set forth for claim 7.

B. Claims 4, 19, and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Hughes*, in view of *Yeager* and *Cloutier*, in further view of *Mattis et al*, U.S. Patent No. 6,292,880 [*“Mattis”*].

All citations are to *Hughes* unless otherwise noted.

Claims 4, 19, and 40

As to claim 4, while *Hughes* as modified by *Yeager* and *Cloutier* teaches hashing message properties, *Hughes* does not expressly disclose utilizing MD5 as the hash algorithm. However, implementing MD5 as a hash algorithm with respect to messages was well known in the art at the time of Applicant's invention.

Mattis expressly discloses hashing message tags using the MD5 algorithm to form a uniform string [column 9 «lines 48-63»]. It would have been obvious to one of ordinary skill in the art to have implemented *Hughes* hashing algorithm as an MD5 algorithm. The MD5 hashing algorithm was well known in the art at the time of *Hughes* invention.

As to claims 19 and 40, they are rejected for at least the same reasons set forth for claim 4.

III. CONCLUSION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DOHM CHANKONG** whose telephone number is (571)272-3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452